

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-4, 6-24, and 34-36 are pending in this case. Claims 1 and 10 are amended, Claims 34-36 are added, and Claim 5 is canceled by the present amendment. The changes to Claim 1 and 10 and the addition of Claims 34-36 are supported in the originally filed disclosure at least at Fig. 11 and at paragraphs [0049], [0089], [0092], and [0141] of the published Specification. Thus, no new matter is added.

The outstanding Office Action rejected Claims 1-24 under 35 U.S.C. § 102(e) as unpatentable over Taki (U.S. Pub. No. 2004/0098592).

Applicants note that the priority date of the present application is October 9, 2002, which precedes the PCT filing date of Taki, which is January 9, 2003. In the present response, Applicants respectfully traverse the rejection of the pending claims.

At the outset, Applicants respectfully note that, as set out in MPEP § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631. Further, “[t]he identical invention must be shown in as complete detail as is contained in the...claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236.

In this case, Taki does not fully describe all the elements of Claim 1 and, therefore, fails to anticipate Claim 1.

The outstanding Office Action asserts, at page 3, that the **content distribution server 150** of Taki describes an **encryption processing unit** as defined by Claim 1. However, Claim 1 recites, *inter alia*, an “**information processing device...comprising...an encryption processing unit.**” That is, Taki’s asserted **information processing device**

“serving as a contents using device” cannot **comprise** a **content distribution server** as its encryption processing unit. An interpretation that the information processing device itself comprises a content distribution server is not permitted by Claim 1 which recites, for example, that the information processing device comprises a communication unit for “communication processing with a contents distribution server.”

The outstanding Office Action also asserts the **content distribution server 150** of Taki as describing the **control unit**, which is also defined as being comprised by the information processing device of Claim 1.

Further, the same **content distribution server 150** of Taki is also asserted to describe the **license storage device** as defined by Claim 1.

Because the assertions regarding Taki in the outstanding Office Action are not clear to the Applicants, Taki is considered generally below.

Taki describes a content distribution system that allows a download-requesting terminal to be different from a download-destination terminal. As described at paragraphs [0075]-[0076], for example, a mobile information terminal 130 may access the content distribution server 150 but indicate a home PC 120 as the download destination for the content.

Specifically, as described at paragraphs [0083] to [0086] and [0103] to [0106] of Taki, a download-requesting terminal such as the mobile information terminal 130 “has a user certificate [Cert_User] issued by a settlement-service authentication server (CR)” to receive a content-download service. This Cert_User is part of the information included in a request for content and verified by the content distribution server 150.

However, even if, *arguendo*, the settlement-service authentication server (CR) is considered to describe a license storage device as defined by Claim 1, Taki does not describe “rights information **corresponding to contents**,” as recited by Claim 1. Instead, as described

at paragraph [0109] of Taki, the content distribution server 150 sends the signed content data and encrypted key data to the designated download-destination terminal once the device authentication is completed.

Because Taki fails to fully describe at least the above-discussed features of Claim 1, Applicants respectfully request that the rejection under 35 U.S.C. § 102(e) of Claim 1 and Claims 2-4 and 6-11, which depend therefrom, be withdrawn.

Claims 12, 16, and 21, though differing in scope from Claim 1, patentably define over Taki for reasons similar to those discussed above with regard to Claim 1. Thus, Applicants respectfully request that the rejection under 35 U.S.C. § 102(e) of Claim 12, Claims 13-15, which depend therefrom, Claim 16, Claims 17-20, which depend therefrom, Claim 21, and Claims 22-24, which depend therefrom, be withdrawn.

New Claims 34 and 35 depend from Claim 1 and, therefore, patentably define over Taki for at least the same reasons as Claim 1.

New Claim 36 depends from Claim 16 and, therefore, patentably defines over Taki for at least the same reasons as Claim 16.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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